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6 Attorneys for Defendant
ARMSTRONG INTERNATIONAL, INC.

8 **IN THE UNITED STATES DISTRICT COURT**
9 **IN AND FOR THE NORTHERN DISTRICT OF CALIFORNIA**

10
11 *IN RE TOY ASBESTOS LITIGATION*

Case No. 4:19-CV-00325-HSG

12 **DECLARATION OF GILLIAM F.**
13 **STEWART IN SUPPORT OF**
14 **DEFENDANT ARMSTRONG**
15 **INTERNATIONAL INC'S JOINDER TO**
16 **DEFENDANT INGERSOLL-RAND**
17 **COMPANY'S NOTICE OF MOTION**
18 **AND MOTION TO STRIKE PLAINTIFF**
19 **EXPERT DR. BRENT STAGGS, HIS**
20 **OPINIONS AND REPORTS, AND ANY**
21 **RELIANCE THEREON**

Hearing Date: May 21, 2020
Time: 2:00 p.m.
Dept.: 2
Judge: Hon. Haywood S. Gilliam, Jr.

Complaint Filed: December 14, 2018
Trial Date: July 27, 2020

22
23 I, GILLIAM F. STEWART, declare:

24 1. I am an attorney at law duly licensed to practice in the courts of the State of
25 California, and I am an associate at the law firm of CMBG3 LAW LLC, attorneys of record
26 for Defendant Armstrong International, Inc. ("Armstrong"). I am one of the attorneys
27 responsible for handling this matter, and I am thoroughly familiar with the file. If called as a
28 witness, I could and would testify competently to the facts contained in this Declaration.

3 3. Attached as **EXHIBIT B** is a true and correct copy of Armstrong's April 2, 2020
4 joinder to defendant Ingersoll-Rand's letter brief to Judge Ryu.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed this 15th day of April 2020, at Moraga, California.


Gilliam F. Stewart

EXHIBIT A

From: [Ben Adams](#)
To: [Gilliam Stewart](#)
Cc: [Conor Nideffer](#); [Chelsea Weeks](#)
Subject: Re: Toy - Extension Request for the Pathology Report for Dr. Roggli
Date: Wednesday, February 5, 2020 12:24:16 PM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)

Gilliam,

That is fine. Thank you.

Ben

BENJAMIN H. ADAMS | Attorney
www.dobslegal.com

From: Gilliam Stewart <gstewart@cmbg3.com>
Date: Wednesday, February 5, 2020 at 12:21 PM
To: Ben Adams <badams@dobslegal.com>
Subject: Toy - Extension Request for the Pathology Report for Dr. Roggli

Hello Ben,

We learned this morning that Dr. Roggli, the pathology expert we have retained on behalf of our client Armstrong, is sick. He has been and will be out all of this week and will “hopefully” be back next week. Dr. Roggli is requesting a 10-day extension to provide his report, which is currently due on February 17 (Presidents’ Day, incidentally). His office has indicated that a doctor’s note can be provided if necessary. In light of this development, will Plaintiffs stipulate to a new due date of Thursday, February 27 for Dr. Roggli’s report only?

Please feel free to contact me if you would like to discuss. Thank you for your time and consideration of this request. I really appreciate it.

Best Regards,
Gilliam

Gilliam F. Stewart
Of Counsel



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EXHIBIT B



Gilliam F. Stewart
CMBG3 Law

April 2, 2020

Via CM / ECF

Magistrate Judge Donna M. Ryu
Oakland Courthouse, Courtroom 4 – Third Floor
1301 Clay Street,
Oakland, CA 94612

RE: *In re Toy Asbestos Litigation*

Case No.: 4:19-cv-00325-HSG

Defendant Armstrong International, Inc.'s Joinder to Ingersoll-Rand's Letter re Plaintiffs'
Expert Dr. Brent Staggs

Dear Judge Ryu:

Defendant Armstrong International, Inc. ("Armstrong") joins in the April 2, 2020 letter regarding defendant Ingersoll-Rand Company's ("IR") objections to Plaintiffs' pathology expert Dr. Brent Staggs' untimely and improper "rebuttal" report in the *Toy* matter. Armstrong joins IR in the request for the Court to exclude Dr. Staggs and his report from this matter, and preclude any other witness from relying upon his opinions.

With respect to Dr. Staggs, Armstrong and IR are in factually identical positions in all material respects. Armstrong agrees with and adopts the procedural and factual history set out in IR's letter as to how and when Dr. Staggs' January 3, 2020 report first came to the attention of defendants and Plaintiffs' subsequent efforts to recharacterize Dr. Staggs as a "rebuttal" expert. Armstrong participated in the ensuing meet and confer efforts between the parties regarding the admissibility Dr. Staggs' report.

Further, like IR, Armstrong retained pathologist Dr. Victor Roggli in this matter. As with IR, Plaintiffs stipulated with Armstrong that Dr. Roggli's report could be served on February 27, 2020. (Armstrong Exhibit A.) Accordingly, the issues and positions raised by IR — whether Dr. Staggs' report was a proper rebuttal report, whether Dr. Staggs' report attempts to "disprove or contradict" Dr. Roggli's report, and whether Dr. Staggs' report was a timely rebuttal report — all apply equally to Armstrong and Armstrong adopts those positions as if stated herein.



Armstrong respectfully requests that the Court exclude Dr. Staggs, his report and reliance by anyone thereon.

Respectfully submitted,

/s/ Gilliam F. Stewart
Gilliam F. Stewart
CMBG3 Law
Attorneys for Defendant
Armstrong International, Inc.